

1956

**TAB**

UNITED STATES CIVIL SERVICE COMMISSION  
WASHINGTON, D. C.

Document No. \_\_\_\_\_

Review of this document by CIA has determined that

THE EMPLOYMENT OF NONCITIZENS IN THE  
UNITED STATES CIVIL SERVICE

☒ CIA has no objection to declass

☐ It contains information of CIA interest that must remain classified at TS S

Authority: HR 70-2

☐ It contains nothing of CIA interest

GENERAL

Date 23-4-71 Reviewer GC/199

The opportunities of noncitizens for appointment to Federal civil-service positions in the Continental United States are limited.

Many foreign nationals are employed by the United States Government in U. S. installations located in foreign countries. Their positions are excepted from the competitive requirements of the civil service rules and the employees are recruited in the areas where the jobs are located. In the Continental United States, however, most Federal positions are in the competitive service and competitive positions are for the most part restricted to U. S. citizens and persons who owe allegiance to the United States. This latter group consists only of natives of American Samoa. However, citizens of the Republic of Panama may be admitted to examinations for employment by the Canal Zone Government and the Panama Canal Company in the Canal Zone.

In addition, practically all Federal appropriation acts provide for the employment of United States citizens only.

### HISTORICAL STATEMENT

Prior to 1938, when the international situation became tense, Federal agencies hired noncitizens rather freely. In the case of positions subject to the civil-service rules (that is, positions in the competitive service), this action was not in violation of the rules, since the rules permitted the appointment of noncitizens through noncompetitive examination, provided that no citizens who had qualified under civil-service standards were available for appointment.

During the depression of the 1930's, there was some objection to using Federal funds for paying the compensation of Federal employees who were noncitizens, but there were no specific restrictions on the use of Federal funds for this purpose until enactment of the Treasury and Post Office Appropriation Act of 1939, which contained such restrictions. Since that time, most appropriation acts have contained similar restrictions.

Obviously some exceptions had to be made, and they were provided for in the acts. In some instances, especially in the scientific field, there were noncitizens of outstanding ability who were perhaps the only persons qualified to perform specific tasks.

Pamphlet 24  
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When World War II began, the number of exceptions grew and additional agencies were authorized to hire noncitizens. In activities with our allies, the War and Navy Departments found it necessary to utilize the services of many noncitizens. With the end of hostilities and the termination of many wartime authorizations, the number of noncitizens in the Federal service, and the number of positions available to noncitizens, have greatly decreased.

The General Government Matters Appropriation Act, 1957, provides that, unless specifically provided otherwise, the funds appropriated by any act of Congress may be used to pay the salaries of Government employees in the continental United States only if they are (1) citizens of the United States, (2) noncitizens in the service of the United States on June 13, 1956, who, being eligible for citizenship, had filed declarations of intention to become citizens prior to that date, (3) aliens from the Baltic countries lawfully admitted to the United States for permanent residence, and (4) noncitizens who owe allegiance to the United States. This last group consists only of natives of American Samoa. However, this provision does not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Whether agency funds may be legally used for the employment of a noncitizen in a particular position is determined by the appointing agency and not by the Civil Service Commission. It is pointed out, however, that employment in competitive positions (see paragraph 2, page 1) is always subject to civil-service regulations relating to citizenship, regardless of any less restrictive language in appropriation acts. The regulations permit the temporary appointment of noncitizens in competitive positions only if there are no citizens available for appointment who are qualified under civil-service standards.

#### EXCEPTIONS FROM APPROPRIATION-ACT RESTRICTIONS

The employment described below is specifically excepted by law from appropriation-act restrictions for the fiscal year ending, June 30, 1957, although in some cases the employment of noncitizens as described may be prohibited by the terms of other laws.

##### Department of Agriculture

(PL 554) Employment under the appropriation for the Foreign Agricultural Service.

##### Atomic Energy Commission

(PL 855) All employment.

##### Canal Zone

(PL 604) Employment of citizens of the Republic of Panama in skilled, technical, clerical, administrative, executive, or supervisory positions.

Department of Defense

(PL 639) All personnel

Department of Justice

(PL 603) Employment of foreign counsel by the Attorney General in special cases.

Library of Congress

(PL 624) Not to exceed 10 positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the 1957 fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the three categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Department of State

(PL 603) Employment of aliens, by contract, for services abroad.

Employment of aliens in connection with international contingencies.

Foreign Claims Settlement Commission

(PL 578) All personnel

United States Information Agency

(PL 578) Employment of aliens within the United States, and employment of aliens outside the United States for services in the United States relating to the translation or narration of colloquial speech in foreign languages, from an appropriation to be used by the United States Information Agency to carry out international information activities.

Employment of aliens by contract for service abroad.